



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR
09/425,630	10/22/1999	SHINGO HAMADA

23548 7590 02/11/2003
LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

DEPARTMENT OF COMMERCE
Patent and Trademark Office
OFFICE OF PATENTS AND TRADEMARKS
500 200211

CONFIRMATION NO.
9818
DIC.
ART UNIT
2855
DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/425,630

Applicant(s)

HANADA et al.

Examiner

Dickens

Group Art Unit

2855

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 11/22/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-4 & 6-18 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 2-4 & 6-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-4 and 6-16 are rejected under 35 U.S.C. 102(b) as being anticipated by The Admitted Prior Art (APA). The APA teaches flow rate measuring device (Figs. 39-45) comprising: a post located in a fluid passage and extending across a part of the fluid flow; a measuring duct (130, 131, 102, 129, 140, 171) including a fluid introduction port with an elongated shape confronting a flow direction of the fluid flow and a first pair of generally smooth, converging inner wall surfaces, narrowing toward a downstream direction of the fluid flow, each of the smooth inner wall surfaces having a profile, in a cross-section parallel to the fluid flow direction and parallel to the post, and a single hole downstream of the fluid introduction port and a flow rate detector (31, 121, 162b) located in the measuring duct wherein the measuring duct has a fluid introduction port (20, 170a) with an curved elongated shape and confronting a flow direction of the flow, the measuring duct having at least one portion located between the fluid introduction port and the flow rate detector substantially smoothly narrowing, i.e, inner wall surface narrowing, toward a downstream direction of the flow in a

longitudinal direction of the elongated shape, and the measuring duct has a single hole in the at least one portion; wherein the introduction port has a length in the longitudinal direction and width in a transverse direction, transverse to the longitudinal direction, the longitudinal length being substantially at least twice the width.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as

being unpatentable over the APA in view of Shockley (US Pat 2,509,889). Claims differ from the APA with the recitation of a measuring duct having a first pair of generally smooth converging inner wall surfaces including an inflection point. Shockley discloses a measuring duct having a first pair of generally smooth converging inner wall surfaces including an inflection point (Fig. 2) for the purpose of increasing the thermal sensitivity of thermistors in a an altimeter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a measuring duct having a first pair of generally smooth converging inner wall surfaces including an

inflection point in the APA as taught by Shockley for the purpose of increasing the thermal sensitivity of thermistors in a an altimeter.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over The APA in view of Bonne (US Pat 5,249,462). Claims differ from the APA with the recitation of a measuring duct having a first pair of generally smooth converging inner wall surfaces including an inflection point. Bonne discloses a measuring duct having a first pair of generally smooth converging inner wall surfaces including an inflection point (Fig. 1) for the purpose of eliminating particle bounces directed toward the flow sensor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a measuring duct having a first pair of generally smooth converging inner wall surfaces including an inflection point in the APA as taught by Bonne for the purpose of eliminating particle bounces directed toward the flow sensor.

6. Applicant's arguments filed 11-22-02 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant's amendment necessitated the new ground(s) of rejection presented

Application Number: 09/425,630
Art Unit: 2855

4

in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

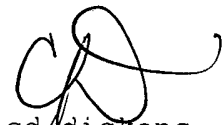
See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service

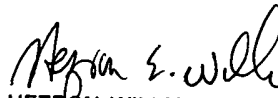
Application Number: 09/425,630
Art Unit: 2855

5

representative whose telephone numbers are (703) 308-0956 or
(703) 308-4800 respectively. The fax numbers are (703) 305-3431
and (703) 305-3432.



cd/dickens
February 9, 2003



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800